



*Pride of the Ojibwe*

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March 21, 2018

Federal Communication Commission  
445 12th St. S.W.,  
Room TW-A325  
Washington D.C. 20554

RE: Lac Courte Oreilles Band of Lake Superior Chippewa Indian's Opposition to the draft Report and Order (WT 17-79)

Dear Chairman and Members of the Commission,

The Lac Courte Oreilles Band of Lake Superior Chippewa Indians (hereinafter the "Tribe"), as a sovereign nation (*See Constitution of the United States, Article 6, as well as numerous Treaties, Statutes, Executive Orders, and Court Decisions*), opposes the draft Report and Order concerning Wireless Infrastructure Streamlining. Being that the Tribe has authority over its reservation, as well as the 1837 and 1842 ceded territories, pursuant to treaties with the United States, our positions on these matters are relevant and require you to consult with the Tribe concerning any of your actions that could affect the reservation or the ceded territories. After reviewing the FCC's draft Second Report and Order (WT Docket No. 17-79) released on March 1, 2018 we would like to notify you as to why the tribe is concerned with the proposed changes and are opposing their implementation which will be put to vote on March 22, 2018 by your Commission.

One of the tribe's first concerns is that the FCC did not engage in consultation with the Tribe so as to come to an understanding on the issues or to give the tribe the opportunity to voice its concerns. Before reviewing the report after it was made public, the Tribe was never given even the slightest opportunity to discern what the FCC is proposing. In regards to consultation, it is not acceptable to the Tribe to allege that a meeting, in which the FCC did not elaborate the issues or potential impacts to the Tribe should be in any way considered "consultation." Furthermore, the "meeting" did not even contain an agenda so as to alert the tribe to any potential implications to tribal interests. Simply put, there is no way that the meeting would be in any way considered "consultation" under the tribe's THPO policy, or even the FCC's Tribal Policy Statement.

As other tribes have stated, the FCC should not be so concerned solely with the associated costs to the industry, but instead should be assisting to make certain that Tribal Nations as a whole are able to authorize or deny projects, which in many if not all instances affect tribes considerably via the protection of their sacred places.

While the industry has made claims that the costs associated with tribal THPO authorization or denial under Section 106 of the NHPA are too great of a burden, that assertion is sidestepping the fact that a considerable amount of profit has been generated by the industry in their relationships in Indian Country. In general, the claims that industry has made concerning Section 106 compliance fees have been exaggerated and are not sensitive to the preservation of entire cultural lifeways. Fees related to historic preservation and environmental reviews concerning industry development of wireless facilities illustrate the delicate nature of ensuring that such development does not impair a history and culture which has largely been decimated before consultation was required. These fees enable our tribe, as well as others, to make certain that cultural resources which other experts such as anthropologists and historians have been unable to fully document and preserve are adequately protected. Since this process has come into effect, numerous culturally sacred historical sites have been shielded from destruction by industries who are not concerned with the environment or historic cultural preservation. While the industry would like to claim that tribes arbitrarily assess fees upon them, what they fail to mention is that these fees are in fact insignificant compared to the value of the ensuring that we do not lose our heritage through the destruction of our sacred places.

The Tribe would like to point out that the proposed exemption is in no way aligned with the extremely significant historic preservation benefits, to tribes as sovereigns or to the larger population on or near reservations, which require review under Section 106.

The Tribe deeply regrets seeing that the FCC is attempting to act in such a manner that curtails tribal sovereignty in an attempt to side-step meaningful dialog. Consultation allows our Tribe, as well as others, to protect cultural heritage. The protection of these sacred locations has been one of the greatest assets to tribal nations in ensuring that their history, culture, and religion continue on for the benefit of future generations. Many of these locations, which the Section 106 review helps to protect, have been considered as sacred since time immemorial. To be clear, treating tribes as anything other than sovereigns is an affront to all tribes and tribal people, as well as the general public whom benefit from the preservation of historically significant locations.

This is not to say that the Tribe opposes all development on its reservation, or in the ceded territories. However, the Tribe, with others, will continue to fight against the wanton destruction of its culture and history solely for the benefit of non-tribal industry.

In closing, the Tribe respectfully requests that the FCC consider its trust relationship and consult with us as a sovereign on all issues which affect our reservation and ceded territories, as the protection of our heritage is of utmost importance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Schlender", with a long horizontal flourish extending to the right.

Jason Schlender  
Vice Chairman